

Remarks

The Applicants have amended Claim 1 to recite that the strength is 1.5 to 4 cN/dtex. Support is inherently present from the original range. Nonetheless, the 1.5 value is explicitly supported in paragraph [0094] of the Applicants' specification as well as in Table 1 in paragraph [0102]. Entry of the above amendment into the official file is respectfully requested.

The Applicants also respectfully request that the amendment made to Claim 1 in the September 20, 2011 Response also be entered into the official file. The Applicants submit a Request for Continued Examination to facilitate such entry of the above-mentioned amendments as well as consideration on the merits.

All of the claims stand rejected under 35 USC §103 over the combination of Aranishi with Chen. The Applicants respectfully submit that one skilled in the art would not make that combination, but in any event, the combination would result in a different fabric.

Chen discloses cellulose acetate fibers formed from dry spinning or wet spinning. This is explicitly taught by Chen in column 3, at lines 54-57, as reproduced below.

The spinning process used to produce a cellulose acetate dressing can be either dry spinning or wet spinning as those terms are understood by one skilled in the art.

Both of "dry spinning" and "wet spinning" are well known. Those methods both use solvents. Those skilled in the art know this as well. (For example, Aranishi, also used in the rejection, discloses wet spinning and dry spinning and the use of organic agents in column 1, lines 34-42, for example.)

Given the use of such solvents in wet spinning and dry spinning, such solvents are not suitable for melt spinning. Hence, solvents are used for ordinary cellulose acetate type in spinning the fibers.

The fibers resulting from the Chen wet spinning and dry spinning are subsequently coated with a siloxane treatment so that fabrics formed with such fibers do not adhere to wound surfaces in the manner that typical fibers adhere to wounds. In that regard, Chen compares the cellulose acetate fibers of Chen to standard fibers such as cotton which microscopically have irregular surfaces with numerous tiny protuberances on the surface of the fibers. This is in contrast to the siloxane coated cellulose acetate fibers of Chen which have a smooth surface without breaks or protuberances to catch in wound surfaces.

There is utterly no disclosure, teaching or suggestion that cellulose acetate propionate and/or melt spinning could or should be used in Chen.

The rejection utilizes Aranishi to cure a number of acknowledged deficiencies in the disclosure of Chen. However, the rejection and the subsequent Advisory Action are somewhat confusing as to the reliance on Aranishi. For example, the rejection as set forth in the July 21, 2011 Official Action on page 5 (among others) recites a number of characteristics of Aranishi. However, the rejection explicitly states that Aranishi is “relied upon solely to exemplify that the claimed cellulose acetate propionate is known in the art.” Nonetheless, the Advisory Action employs Aranishi for the notion that it teaches melt spinning. Clarification is accordingly respectfully requested.

In any event, the Applicants respectfully submit that one skilled in the art would not make the combination, but the fibers resulting from such a combination would be different from those claimed by the Applicants.

As noted above, Chen teaches the use of dry spinning or wet spinning. However, there is a problem with that methodology. Specifically, when utilizing wet spinning or dry spinning, solvents must be used and the solvents are then removed by evaporation. As a consequence, this

means the coefficient of variation in single yarn fineness of 10% or less as claimed by the Applicants cannot be achieved in the solvent method. Hence, Chen is inapplicable.

Also, the cellulose acetate fibers of Chen do not have the same strengths as those claimed by the Applicants. The Applicants enclose a copy of a summary of cellulose acetate from a web page, wherein the tenacity of those fibers is 1.2 to 1.4 g/d. This is well outside the Applicants' claimed range.

Hence, it is apparent from Chen that strength is not of real concern in forming the wound dressings that are intended to be non-adherent to wounds.

These features and the objectives of Chen are completely different from the objectives and the fibers of Aranishi. In that regard, Aranishi seeks to avoid wet or dry spinning as set forth in column 1 under the "Background Art" heading inasmuch as those methodologies are deemed to be inferior. The Applicants respectfully submit that this would hardly cause one skilled in the art to look to the teachings of Chen which are completely reliant on wet or dry spinning. This alone is enough to cause one skilled in the art not to make the combination.

In sharp contrast, the objective in Aranishi is to provide cellulose derivative composition fibers having good mechanical properties and uniformity by melt spinning. As noted above, Chen really does not care about mechanical properties such as strength, thereby providing no motivation to make a combination of the two disclosures.

On the other hand, the uniformity of the filament in the axial direction of each individual fiber is again of no concern to Chen. Thus, one skilled in the art would have no incentive to look to Aranishi. This again is sufficient to cause one skilled in the art to not be motivated to make the combination.

However, given the sharp differences between the melt-spinning teachings of Aranishi and the wet or dry-spinning teachings of Chen, one skilled in the art would not be motivated to make this combination because one skilled in the art would have a reasonable expectation that substituting the melt spinning of Aranishi into the teachings of Chen would have a good likelihood of essentially destroying or, at the very least, degrading the fibers sought in Chen. This is again substantial evidence of not causing one skilled in the art to make the combination.

In any event, the Applicants respectfully submit that the resulting fibers would be different. The reason is that if one skilled in the art were to import the cellulose acetate propionate as disclosed by Aranishi into Chen, there would still be no teaching at all with respect to the Applicants' claimed coefficient of variation in single yarn fineness of 10% or less. Neither disclosure even appreciates this point, much less provides disclosure, teachings or suggestions as to how to achieve it. It must be remembered that the discussion of filament size (as mentioned in the rejection) in column 9, at lines 30-40, has nothing to do with the coefficient variation in single yarn fineness at 10% or less. The discussion of Aranishi is directed to uniformity of the filament of an individual filament in the axial direction of the filament. That is sharply different from the Applicants' coefficient variation of single yarn fineness which is determined by taking a multiplicity of fibers and comparing their diameters. This is explicitly taught in the Applicants' specification in paragraph [0068], wherein 20 filaments are utilized to make such a determination.

Hence, the Applicants claimed coefficient of variation is a coefficient variation between a number of different fibers, whereas the uniformity discussed in Aranishi is uniformity of a single fiber in its axial direction. This means that there is simply no disclosure of the Applicants' claimed coefficient of variation in Aranishi or Chen. Further, the Applicants respectfully submit

that an argument of inherency of that coefficient of variation as being present is not appropriate given the combination of references and the unavailability of inherency to be applied in combination rejections.

The Applicants also respectfully submit that it is improper for a rejection to simply point to a single aspect of a disclosure such as Aranishi and randomly use that single point for incorporation into another publication to form a rejection. In that regard, Aranishi not only discloses cellulose acetate propionate, among other things, but also refers to the advantages of including plasticizers. However, the claims specifically exclude such plasticizers. Hence, taking the Aranishi document as a whole into consideration, the Applicants respectfully submit that even if one skilled in the art were to make such a combination, the resulting combination, which would not even be expected to succeed, would result in a different fabric having different filaments. Withdrawal of the rejection is accordingly respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750
Attorney for Applicants

TDC/vp
(215) 656-3381